

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DONG YUAN and XUANHAO XU, Individually
and on Behalf of All Other Employees Similarly
Situated,

Plaintiffs,

-against-

& HAIR LOUNGE INC., & HAIR LOUNGE II
INC., MIN FEI CHEN a/k/a Wendy Chen, and
CHEN LUNG LU a/k/a Edison Lu, JOHN DOE
#1-10 and JANE DOE #1-10,

Defendants.

ANALISA TORRES, District Judge:

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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10/28/2022

18 Civ. 11905 (AT)

ORDER

The Court has reviewed the parties' letter dated October 7, 2022. ECF No. 153. In the parties' letter, Defendants state that they "propose to raise a subject matter jurisdiction defense on the basis that Plaintiffs did not file consents to become parties plaintiff under the [Fair Labor Standards Act]." *Id.* at 1. Plaintiffs argue that, "despite not filing documents under the heading 'consent to become party plaintiff,' both plaintiffs filed documents stating in no uncertain terms that they consented to be plaintiffs in this lawsuit on April 5, 2019." *Id.* Plaintiffs also contend that "Plaintiffs executed consents to become parties plaintiff on December 7, 2018 and March 21, 2019 . . . , and any deficiency can be cured by their filing and a motion to toll the statute of limitations *nunc pro tunc*." *Id.* Defendants state that they "do not agree . . . that [the] deficiency can be cured by filing, or that a motion to toll the statute of limitations *nunc pro tunc* should be granted." *Id.*

By **November 4, 2022**, the parties shall brief these issues and inform the Court of the parties' respective positions in letters of no more than five pages.

SO ORDERED.

Dated: October 28, 2022
New York, New York



ANALISA TORRES
United States District Judge